



DEPARTMENT OF THE NAVY

BOARD FOR CORRECTION OF NAVAL RECORDS

2 NAVY ANNEX

WASHINGTON DC 20370-5100

JLP:ddj

Docket No: 7827-99

April 19, 2000

[REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of title 10 of the United States Code, section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on April 11, 2000. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record and applicable statutes, regulations and policies. In addition, the Board considered the advisory opinion furnished by BUPERS memorandum 1780 PERS 604 of 16 March 2000, a copy of which is attached.

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice. In this connection, the Board substantially concurred with the comments contained in the advisory opinion. Accordingly, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER
Executive Director

Enclosure



DEPARTMENT OF THE NAVY

NAVY PERSONNEL COMMAND
5720 INTEGRITY DRIVE
MILLINGTON TN 38055-0000

1780
PERS-604
16 Mar 00

MEMORANDUM FOR EXECUTIVE DIRECTOR, BOARD FOR CORRECTION OF NAVAL RECORDS

Via: Assistant for BCNR Matters (PERS-00ZCB)

Subj: REQUEST FOR COMMENTS AND RECOMMENDATIONS ICO CTOCS
[REDACTED]

Ref: (a) CNPC memo 5420 PERS-00ZCB of 1 Mar 00
(b) Title 38, United States Code, Chapter 32

1. In response to reference (a), recommend the Board deny CTOCS [REDACTED] request to enroll in the Montgomery GI Bill (MGIB) Program. By law, eligibility for federal education programs is established by a member's initial entry onto active duty. CTOCS [REDACTED] is not eligible for MGIB Program enrollment. The following information pertains:

a. CTOC [REDACTED] entered active duty on 18 May 1979 during the Veterans Education Assistance Program (VEAP) period. She elected not to participate in VEAP on 30 May 1979. Although she signed a DD Form 2057 (VEAP Statement of Understanding) that indicated members could enroll at any time on active duty, legislation closed this program to new enrollments on 30 June 1985, but reopened it for five months from 28 October 1986 through 31 March 1987. No new enrollments were allowed after 1 April 1987. Reference (b) is the law governing VEAP.

b. Termination of VEAP was announced through two NAVOPS, tasking commanding officers with disseminating this information to affected personnel. There was no requirement for individual counseling.

2. VEAP was never a popular program. It's estimated that only about 24 percent of eligible Sailors actually enrolled. Sailors who did not enroll now regret their decision as they near retirement because they do not have any federal education benefits. Unfortunately, there are currently almost 30,000 active duty Sailors and unknown numbers of retirees and veterans in similar situations who do not have federal education benefits since they did not establish VEAP accounts prior to 1 April 1987, declined MGIB participation or did not meet the conversion requirements from Vietnam-era GI Bill to MGIB.

3. If CTOCS [REDACTED] has any further questions she can contact a MGIB/VEAP Customer Service Representative at 1-800-962-1425.

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[REDACTED]

4. PERS-604's point of contact is EM1(SW) Thompson who can be reached at (DSN) 882-4262 or (C) 901-874-4262.



G. VICKERS
Commander, U.S. Navy
Deputy Director, Navy Drug &
Alcohol, Fitness, Education, &
Partnerships Division (PERS-60)